

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0692-01  
Bill No.: HB 406  
Subject: Corrections Department; Probation and Parole  
Type: Original  
Date: March 5, 2001

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**FISCAL SUMMARY**

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue*	Less than \$100,000	Less than \$100,000	Less than \$100,000
<b>Total Estimated Net Effect on <u>All</u> State Funds*</b>	<b>Less than \$100,000</b>	<b>Less than \$100,000</b>	<b>Less than \$100,000</b>

\*Potential Savings

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None			
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 3 pages.

**FISCAL ANALYSIS**

### ASSUMPTION

Officials from the **Office of Attorney General, Office of Governor, Office of the State Public Defender**, and the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of Prosecution Services** assume the proposed legislation would have no cost to prosecutors, unless prosecutors have to provide the information on offenders.

Officials from the **Department of Corrections (DOC)** assume the DOC has 247 inmates in the population who are serving a sentence with no possibility of parole and who also had no prior convictions. Only 2 of these offenders have served a minimum of 15 years. The possibility does exist for positive impact if offenders were paroled, but it is unknown how many would be recommended for parole by the Board and/or Governor.

**Oversight** assumes, based on the DOC's average cost of incarceration (FY99 average of \$35.61 per inmate, per day) and probation (FY99 average of \$2.47 per offender, per day), the DOC will incur a savings of \$60,480 ( $\$33.14 \text{ per day} \times 365 \text{ days} \times 5 \text{ years} = \$60,480$ ) for every offender granted executive clemency by the governor.

**Oversight** cannot predict the recommendations to be made by the Board of Probation and Parole, nor can it predict the actions to be taken by the governor based on those recommendations. However, even if the governor grants clemency in only two cases per year, this proposal could result in savings to the DOC of less than \$100,000 per year.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
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#### **GENERAL REVENUE FUND**

<u>Savings</u> - Department of Corrections Decrease in per diem costs	<b><u>Less than</u></b> <b><u>\$100,000</u></b>	<b><u>Less than</u></b> <b><u>\$100,000</u></b>	<b><u>Less than</u></b> <b><u>\$100,000</u></b>
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<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
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	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
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#### FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

### DESCRIPTION

The proposed legislation expands the duties of the Board of Probation and Parole. The board is required to review thoroughly the case history of all offenders who have no possibility of parole provided the offender has no prior felony conviction, has served at least 15 years of his/her sentence, and has exhausted all appeals.

Within 60 days of the review, the board will prepare a report to the governor with the recommendation to either grant or deny executive clemency, thereby making the offender eligible for parole. Offenders released will remain under the supervision of the board for at least 5 years.

The proposal establishes criteria to be used by the board when conducting its reviews and making recommendations. Offender reviews and recommendations must be made every 2 years if the offender remains incarcerated.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

### SOURCES OF INFORMATION

Office of Attorney General  
Office of State Courts Administrator  
Office of Governor  
Office of the State Public Defender  
Office of Prosecution Services  
Department of Corrections



Jeanne Jarrett, CPA  
Director

March 5, 2001